THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

W.P.No. 17384 of 1996

DATE: 18.1.2007

Between:

S.Iqbal Hussain .... Petitioner

And

The Commissioner of Collegiate
Education, A.P. Nampalli,
Hyderabad .. ... Respondent

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

W.P.No. 17384 of 1996

ORDER:

The short question which arises for consideration in this writ petition is as to whether the petitioner is entitled for monetary benefits from the date of his appointment on 1.1.1986 and as to whether the action of the competent authority in placing him in regular scale of pay and allowances with effect from 1.1.1986, but denying him the monetary benefits from that date, while granting him the said benefit only with effect from 1.6.1991, is legal and valid?

The petitioner claims to have been discriminated against in as much as one Sri Khaja Mohiddin who was appointed as Record Assistant was given the monetary benefit from the date of his initial appointment. As has been held by the Supreme Court in **State of Assam v. Ajit Kumar Sharma**[1] and the Division Bench of this Court in **Y.Sidda Reddy v. Government of A.P**[2], the grant-in-aid by the government is in the form of financial assistance. No right accrues in favour of any employee to contend that he should be extended the benefit of grant-in-aid as a matter of right nor can a mandamus be, normally, issued in this regard.

In the absence of any legal right vested in the petitioner to claim the benefits of grant-in-aid from the date of his initial appointment the action of the government in not extending him the said benefit from the date of his initial appointment, and extending it with effect from 1.6.1991, cannot be faulted.

In so far as the plea of discrimination is concerned, it is necessary to note that Sri Khaja Mohiddin has not been arrayed as a respondent in the writ petition. In the absence of his being impleaded as a respondent, it is not possible for this Court to

examine as to whether extending the said benefit to him was in accordance with law or was contrary thereto, for it is well settled that in case such a benefit had been extended to Sri Khaja Mohiddin contrary to the rules, it would not open to the petitioner to contend that such an illegality should be perpetuated. In any event, since Sri Khaja Mohiddin is not arrayed as a respondent in the writ petition, this plea of discrimination does not necessitate examination. (**Chandigarh Administration Vs. Jagjit Singh**[3]).

This being the only contention which has been rejected, the writ petition fails and is accordingly dismissed. No order as to costs.

18-1-2007

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[1] AIR 1965 SC 1196

[2] 2006(1) ALT 354(DB)

[3] AIR 1995 SC 705